

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

DAVID M. DAUGHERTY,

Plaintiff,

v.

CIVIL ACTION NO. 5:14-cv-24506

OCWEN LOAN SERVICING, LLC,

Defendant.

JUDGMENT ORDER

On July 26, 2017, the United States Court of Appeals for the Fourth Circuit entered its *Opinion* (Document 271) regarding the Defendant's appeal in the above-styled action. That Court affirmed the jury's determination of willfulness and award of compensatory damages, but reversed the punitive damages award. The Court of Appeals remanded the matter to this Court with an order to provide the Plaintiff the option of accepting a punitive damages award in the amount of \$600,000 or proceeding to a new trial on punitive damages. Its *Mandate*¹ (Document 275) was entered on August 17, 2017.

On August 18, 2017, and in response to the Court of Appeals' opinion, the Plaintiff filed *Plaintiff's Notice of Election to Accept the Punitive Damages Award of \$600,000 and Motion for Leave to Seek Appellate Attorneys' Fees* (Document 274). In his notice, the Plaintiff asserted his


¹ Although the Fourth Circuit filed its mandate on August 17, 2017, it was not entered onto the CM/ECF docket sheet until August 21, 2017, and is therefore numbered after the Plaintiff's notice to accept the Fourth Circuit's suggested punitive damages award.

acceptance of the punitive damages award of \$600,000, and also moved this Court for leave to file a motion to recover appellate attorneys' fees.

Having reviewed the opinion from the United States Court of Appeals for the Fourth Circuit and the Plaintiff's *Notice*, the Court alters its previous judgment as to punitive damages and **ORDERS** that judgment be entered in favor of the Plaintiff and against the Defendant in the amount of \$600,000. The Court further **ORDERS** that the Plaintiff's motion for leave to seek appellate attorneys' fees be **GRANTED** and that any such motion and supporting documentation be filed no later than September 18, 2017. Any objection or response thereto shall be filed by October 2, 2017. Finally, the Court **ORDERS** that the *Plaintiff's Motion for Order Directing J.P. Morgan Chase Bank, N.A. to Pay Monies in Satisfaction of Judgment Pursuant to West Virginia Code § 38-5-15* (Document 260) be **TERMINATED AS MOOT**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: August 28, 2017


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA